

(9)

THE
TRYAL
OF
Edward Fitz-Harris;
WHO
Was Convicted at the Kings Bench-Bar in
WESTMINSTER-HALL.
ON

The ninth of this Instant *June*, 1681. For High Treason, in conspiring the Death of the King. And by several Treasonable practices to subvert the Government, with the several Sercumstances that attended his Tryal. As also the Tryal of *Oliver Plunket* Titular Arch Bishop of *Dubling*, who was Tryed at the Kings Bench-Bar, and there found guilty of High Treason the eighth Instant.

E*Dward Fitz Harris* being brought to the Kings Bench-Bar, the last Term where his Indictment for High Treason, being Read he pleaded by his Counsel to the Jurisdiction of the Court; alledging that he stood Impeached by the House of Commons, and therefore could not be Tryed in any Inferiour Court, as likewise that there was a Record of his Impeachment in the House of Lords. But upon Inquiry that was found a mistake, so that notwithstanding the many and tedious objections his Counsel made, against his being Tryed, after the Kings Counsel had Learnedly answered each Objection; And Mr. *Attorney General* demurred to his Plea, the Court thought fit

to over rule the same, and Order him to prepare for his Tryal, as this day which he no ways neglected, but summoned his witnesses, and took all convenient Instructions having had as fair a time allowed him as he could wish. So that none can Object that he was Tried without mature deliberation. So that according to appointment he was brought to his Tryal this day, from the *Tower* by water guarded very strongly, and being brought to the Bar after the Jury were sworn, the Court proceeded and his Indictment being Read which contained many horrid Treasons against his Most Sacred Majesty. It being drawn from a Seditious and Treasonable *Libel*; Entituled the *True English-man*, speaking plain *English* which the Prisoner gave Mr. *Everard* Instructions how to draw and write a good part of it, with his own hands as was attested upon Oath by him in Court. The Indictment was specified according to that of the *Libel*, wherein was contained such Treasons and Rebellious Practices as are not convenient to be mentioned as to particulars, but in general it was to render His Majesty detestable to his Subjects, to stir up jealousies and fears amongst them, of arbitrary Government and introduction of Popery to raise a universal Rebellion, which should be carried on under the notion of the *Defenders*. And then in the general confusion they designed; that the *French* King should Land an Army, and swallow us up in a moment. So that the whole Foundation of the Protestant Government should be overturned, and these Kingdoms be reduced under the Tyranny of *Papists* and *Popery*. These were his practice and in order to putting them in Execution about the 21 *Feb.* last he came to Mr. *Everards* Chamber in *Grays Inn* and began to sound how he stood affected, he having some small knowledg of him in the *French* Kings Service grew the more familiar, telling him that he had heard he hardly he had been used, since he had adhered to the Protestant interest, but that if he would stand to the Catholic he should not only have a considerable Sum of Money but be advanced to great preferment; the which Mr. *Everard* seem

seemingly consented too. Then began he to talk of drawing up the pernicious *Libel*, which *Libel* he told Mr. *Everard* was to be put into the pocket, not only of several Worthy Protestant Lords, but into several Citizens and others, and then he would have Villans ready to detect them, and swear against them, with several other Treasonable designs.

And further he would have had Mr. *Everard* the witness against him to have gone to the Citizens and to have procured them to make an Address to the Parliament, and offer to stand by them with their lives and fortunes, and to offer them several Hundred Thousand Pounds for the securing their Liberties and Property, which he was to insinuate were in eminent danger to rise, and not to disband themselves till they had accomplished their designs, or words to that effect. And further he told him, that the *French* Embassadours Confessour was chiefly concerned in it, and that the Embassadour had daily notice given him what was done in *Parliament* by some that did adhere to the *French* Interest: At these notorious Treasons Mr. *Everard* was somewhat startled, yet hid his resentments, resolving to find out the depth of the design, if possible; whereupon he appointed him a day to come for the *Libel* before mentioned, and in the mean while he acquainted several worthy Gentlemen what had passed, amongst which were Sir *William Waller*, and Mr. *Smith* one of the Kings Evidence, who at several times he conveyed into private places to overhear what discourse passed between him and the Prisoner: The first was Mr. *Smith*, who gave his Evidence that about the latter end of *February*. 1681. when *Fitzharris* was there, he being in a private Closet, through a hole made for that purpose, not only saw, so as perfectly to know him again, but heard him discourse about the horrid conspiracy or villainous design, and heard Mr. *Everard* say when they were discoursing about the *Libel*, that it was a Treason and horrid design, and he did not think it safe, to which *Fitzharris* replied, that the more Treason the better, and he was as safe as himself, for he was more involved in it than Mr. *Everard*, for he had given his hand for it: And further Mr. *Everard* said, that he told him as soon as he had writ the Papers he should have 40 Guinies, and become a Pentioner to the *French* King, and have some Thousands of Crowns, extolling greatly the Liberality of that Prince, saying, that he never spared his money upon such occasions.

Sir *William Waller* being sworn, did likewise testify that Mr. *Everard* sending a Letter to him to desire him to come to him, but he scrupled it at first, as not knowing what the intention of it might be, but upon mature deliberation, and out of a zeal to serve his King and Country, he went, and after some time was conveyed by Mr. *Everard* into

(4)

into a private Room, where through a crevis, and a slit in the Hangings, he could discern the Prisoner : And if Mr. *Everard* brought him the Papers, which after he had perused, he gave them a private mark to know them again, and that he heard the Prisoner discourse after his usual manner, and saw him make several alterations in the Papers, telling Mr. *Everard* he should have a good reward, but at that time named no certain Summ, after this happy discovery of so horrid a villany, he was apprehended.

And upon examination confessed a treasonable Paper to be his handwriting ; there were several other Witnesses, but the worthy Gentlemen before mentioned were the most material.

To these home Treasons so positively sworn against him, he rather strove to justify himself, by reflecting upon, not only his Majesty, but several other Persons of Honour, even in the face of the Court, and turning his Majesties charitable benevolence towards him, to evil constructions, to the detestation of all good Subjects that heard him aggravate his Villanies, he called several Persons of Honour to testify on his behalf, but for the most part their Testimonies were rather against him than for him, so that after the Kings counsel had summoned up the Evidence, and declared the nature of so heinous a Crime ; the Court proceeds to give the Jury their Charge, and having satisfied them in some scruples by them objected, they went out, and after half an Hours debate brought him in Guilty of High Treason, at which there was a general Hum throughout the Court.

ON the Eighth of this instant, *Oliver Plunket* Titular Arch-Bishop of *Dublin*, was brought to his Tryal, where it was proved against him, that he held Correspondence with the *French Kings* Confessor, and designed to bring in a *French* power to subdue that Kingdom, to Levy War, and raise an Army, in order to which he had made great Gatherings of Moneys, and given out Commissions, designing to betray several Important Landing-places to the *French*, of which Treasonable practices he was Convicted, &c.

F I N I S.

Printed for *Thomas Davis*.